IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 1ST DECEMBER 2006 / 10TH AGRAHAYANA 1928

Crl.MC.No. 3948 of 2006()

CMP.4627/2006 of JUDL.MAGISTRATE OF FIRST CLASS-I, KANJIRAPPALLY

(ORDER)

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PETITIONER:

SEBASTIAN JOSEPH,
AGED 40 YEARS,
S/O.JOSEPH, OLIKKAL HOUSE,
KANMALA, ERUMELI SOUTH VILLAGE,
KOTTAYAM DISTRICT.

BY ADV. SRI.P.H.SHAJAHAN
SRI.P.A.MOHAMMED SHAH

RESPONDENTS:

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1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. SUB INSPECTOR OF POLICE,
ERUMELI, KOTTAYAM DISTRICT.

3. DISTRICT COLLECTOR, KOTTAYAM.

BY PUBLIC PROSECUTOR SRI.PUZHAKKARA MUHAMMED

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 01/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.NO.3948 OF 2006

Dated this the 1st day of December, 2006.

ORDER

The grievance of the petitioner is that the District Collector, in implementation of the order of this Court dated 07.11.2006 in Crl.M.C.No.3603 of 2006, is unnecessarily insisting on production of solvency certificate by the sureties. Of course, it is true that a discretion was granted to the District Collector to release the vehicle on condition that the petitioner inter alia executes a bond for Rs.50,000/- with two solvent sureties each for the like sum. It was certainly not intended that the Collector should insist on production of solvency certificates invariably by the sureties. I am satisfied, in these circumstances, that this Crl.M.C can be allowed in part and it can be directed that the vehicle can be released to the petitioner on condition that he offers two solvent sureties to execute the bond. It is not necessary for the Collector to insist rigidly on production of solvency certificates.

2. This Crl.M.C is allowed, to the above extent.

3. Hand over a copy of this order to the learned counsel for the petitioner today itself.

R.BASANT
JUDGE

rtr/